

Ramos, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC.,
JOHN WILEY & SONS, INC.,
CENGAGE LEARNING, INC, AND
MCGRAW-HILL GLOBAL EDUCATION
HOLDINGS, LLC,

Plaintiffs, :

-against- :

MIGUEL VENTURA, JR. D/B/A
CANDYEBOOKS.COM D/B/A CANDYEBOOKS
AND JOHN DOE NOS. 1-5,

Defendants. :

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ORDER TO SHOW CAUSE FOR AN ORDER OF
ATTACHMENT AND TEMPORARY RESTRAINING ORDER

Upon the annexed declarations of LaShonda Morris,
sworn to February 5, 2014, Patrick Murphy, sworn to February 5,
2014, Jessica Stitt, sworn to February 5, 2014, Bonnie Beacher,
sworn to February 6, 2014, Jennifer Siewert, sworn to February
6, 2014 and Laura Scileppi, sworn to February 6, 2014, and all
prior proceedings in this action, it is hereby,

ORDERED that defendant Miguel Ventura, Jr.

("Ventura") SHOW CAUSE before Hon. Edgardo Ramos, United States
District Judge, in Courtroom 619 of the Thurgood Marshall
United States Courthouse, 40 Foley Square, New York, New York

10007, at 430 p.m. on February 11, 2014, or as soon

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thereafter as counsel may be heard, why an order should not be entered:

(i) Pursuant to Rule 64 of the Federal Rules of Civil Procedure and New York CPLR § 6201, attaching the funds of Ventura at PayPal, Inc., TD Bank, N.A., JPMorgan Chase Bank N.A., and Valley National Bank;

(ii) Enjoining Ventura, his agents, servants, employees, and attorneys and all persons in active concert or participation with them who receive actual notice of this order, from transferring or withdrawing any funds from any accounts of Ventura at PayPal, Inc., TD Bank, N.A., JPMorgan Chase Bank N.A., and Valley National Bank, pending a further order of this Court; and

(iii) Granting such other and further relief as to the Court may seem just and proper.

The Court makes the following preliminary findings of fact and conclusions of law pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and New York CPLR § 6210 on the plaintiffs' application for an ex parte order of prejudgment attachment.

1. This is an action for money damages.

2. Plaintiffs have demonstrated a likelihood of success on the merits of their claim for copyright infringement against Ventura.

3. Ventura is not domiciled in this State.

4. Ventura has not filed any counterclaim.

5. The Court has personal jurisdiction over Ventura pursuant to New York CPLR § 302(a)(1), because plaintiffs' claim arises out of his sales into this State.

6. An order of attachment is an appropriate exercise of the Court's discretion, as it is necessary to ensure that any judgment plaintiffs obtain in this action against Ventura is satisfied. And it is further

ORDERED that, pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and New York CPLR §§ 6201 and 6210, pending the hearing on plaintiffs' application for an order of prejudgment attachment, the funds of Ventura at PayPal, Inc., which PayPal, Inc. represented on February 3, 2014 to be \$28,664.48, TD Bank, N.A., JPMorgan Chase Bank N.A., and Valley National Bank be, and hereby are, attached; and it is further

ORDERED that Ventura, his agents, servants, employees, and attorneys all persons in active concert or participation with them who receive actual notice of this order, be, and hereby are, TEMPORARILY RESTRAINED from transferring or withdrawing any funds from any account of Ventura at PayPal, Inc., TD Bank, N.A., JPMorgan Chase Bank

N.A., and Valley National Bank pending further order of the Court; and it is further

ORDERED that this temporary restraining order shall be effective upon plaintiffs posting cash or a bond in the amount of \$ 10,000.00 with the Clerk of the Court; and it is further

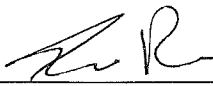
ORDERED that Counsel for plaintiffs shall serve a copy of this order and the papers upon which it was granted by overnight mail on Ventura on or before 5:00 p.m. on February 7, 2014.

Service shall be deemed complete upon the filing of a declaration with the Clerk of the Court affirming that the copy of this order and the papers upon which it was granted has been sent in conformity with this order.

Opposition papers shall be served by overnight mail or by hand on counsel of record for plaintiffs on or before 10:00 a.m. on February 11, 2014.

Counsel for plaintiffs shall serve reply papers, if any, by overnight mail or by hand on Ventura on or before 4:00 p.m. on February 11, 2014.

Dated: February 6, 2014
Issued at 3:50 p.m.



Edgardo Ramos
United States District Judge